

August 23, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 03-20496
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BRIAN RHETT MARTIN,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-02-CR-561-1

Before HIGGINBOTHAM, GARZA, and PRADO, Circuit Judges.

ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES

PER CURIAM:*

The district court revoked Brian Rhett Martin's supervised release term and sentenced him to eighteen months of imprisonment to be followed by an eighteen-month term of supervised release. We affirmed. See United States v. Martin, 87 Fed. Appx. 392 (5th Cir. Feb. 18, 2004). On January 24, 2005, the Supreme Court vacated our judgment and remanded to us for further consideration in light of

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

United States v. Booker, 125 S. Ct. 738 (2005). See Newsome v. United States, 125 S. Ct. 1112 (2005) (consolidated petition including Martin). Martin does not now press a Booker claim, conceding that Booker has no impact on this appeal.

We reinstate our prior judgment affirming Martin's sentence.
AFFIRMED.